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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CHIQUITA FRESH, N.A., L.L.C.

Plaintiff

v.

SAMMY'S PRODUCE, INC., et al

Defendants

Civil Action No: 08-CV714 JLS(POR)

**APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER WITH NOTICE**

**I. APPLICATION**

Upon the verified affidavit of Joe Beckman, a credit and collections specialist for Chiquita Fresh, N.A., L.L.C., and the accompanying memorandum of points and authorities in support, plaintiff hereby moves the Court to issue a temporary restraining order under Rule 65 of the Federal Rules of Civil Procedure enforcing the statutory trust pursuant to Section 5(c) of the Perishable Agriculture Commodities Act, 7 U.S.C. §499e(c), by restraining the transfer of any and all assets of Sammy's Produce, Inc., until there is payment to plaintiff of \$73,545.90, pending the entry of a Preliminary Injunction Order.

1 **II. GROUNDS**

2 This application is made pursuant to Rule 65 of the Federal Rules of Civil  
3 Procedure. As set forth more fully in the accompanying Memorandum of Points and  
4 Authorities, defendants are in violation of their obligations as trustees under the  
5 statutory trust provisions of the PACA for failing and continuing to fail to preserve  
6 PACA trust assets and to pay plaintiff for the produce supplied.  
7

8 **III. DOCUMENTS**

9 The relief requested is based on this Application, the accompanying  
10 Memorandum of Points and Authorities, the verified declaration of Joe Beckman, a  
11 credit and collections specialist of plaintiff, the proposed Order, the documents on file  
12 in his action, and such other evidence as may be presented to the Court at the hearing  
13 on this matter.  
14

15 Dated this 17<sup>th</sup> day of April, 2008  
16

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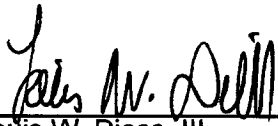
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